

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID RUCKER, et al., ) No. C 08-1497 JSW (PR)  
Plaintiff, )  
v. )  
BEN CURRY, )  
Defendant. )  
\_\_\_\_\_  
)

**ORDER OF DISMISSAL WITH  
LEAVE TO AMEND**

Plaintiffs, seven California prisoners, filed this pro se civil rights complaint under 42 U.S.C § 1983. One Plaintiff, David Rucker, has filed a motion to proceed *in forma pauperis*, which is GRANTED in a separate order. This Court now reviews the Complaint pursuant to 28 U.S.C. § 1915A and DISMISSES the case with leave to amend.

As Plaintiffs are prisoners proceeding pro se, they must proceed in separate cases. Plaintiffs have limited access to one another, have individual facts pertaining to their claims, and as they are not lawyers they cannot represent each other. These obstacles have already produced one procedural problem, namely that only one of the seven Plaintiffs has filed an application to proceed *in forma pauperis*. Basic case management principles of delay reduction and avoidance of confusion call for the Plaintiffs' claims to proceed separately. Accordingly, Plaintiffs Thibeault, Moreno, Alls, Littleton, Comaux, and S. Kelly are DISMISSED as Plaintiff from this action without prejudice to their filing individual complaints in new cases which each of them is the only Plaintiff.

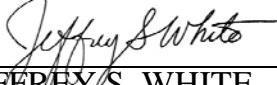
1 Plaintiff Rucker, the first named Plaintiff and the only Plaintiff to have filed an *in  
2 forma pauperis* application may proceed in this action. However, he must first file an  
3 amended complaint containing allegations pertaining to himself only. The current  
4 complaint containing allegations pertaining to seven Plaintiffs is DISMISSED with leave  
5 to amend. Plaintiff Rucker may file an amended complaint within ***thirty days from the  
6 date this order is filed.*** The amended complaint must be simple and concise and must  
7 include the civil case number used in this order (C 08-1497 JSW (PR)) and the words  
8 FIRST AMENDED COMPLAINT on the first page.

9 **Failure to file an amended complaint in accordance with this order will result  
10 in the dismissal of this action without prejudice. Plaintiff is advised that the  
11 amended complaint will supersede the original complaint and all other pleadings in  
12 this action. Claims and Defendants not included in the amended complaint will not  
13 be considered by the Court. See King v Atiyeh, 814 F2d 565, 567 (9th Cir 1987).**

14 It is Plaintiff's responsibility to prosecute this case. Plaintiff must keep the Court  
15 informed of any change of address and must comply with the Court's orders in a timely  
16 fashion by filing a separate paper captioned "Notice of Change of Address." Failure to  
17 do so may result in the dismissal of this action under Federal Rule of Civil Procedure  
18 41(b).

19 IT IS SO ORDERED.

20 DATED: May 8, 2008

21   
22 JEFFREY S. WHITE  
23 United States District Judge  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DAVID RUCKER,

Case Number: CV08-01497 JSW

Plaintiff,

## **CERTIFICATE OF SERVICE**

V.

BEN CURRY et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David Rucker  
P29892  
P.O. Box 689  
Soledad, CA 93960

Dated: May 8, 2008

Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk

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